



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

May 1, 2013

Mr. Tim Schleper
City Business Administrator
City of Breese
500 North First
Breese, IL 62230-1624

Re: Legacy Place Assisted Living and Memory Care Center - Breese
Endangered Species Consultation Program
Project Number: 1311610
County: Clinton

Dear Mr. Schleper:

The Department received a submission via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, on behalf of the City of Breese, regarding this project located in Section 15, Township 2 North, Range 4 West for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project involves the construction of a 30-bed assisted living facility with an additional 15-bed memory care unit. The proposed site is located south of Holy Cross Lane, east of Jamestown Road, and north of Highway 50. The project is within the vicinity of several recent records of the State-listed endangered **Barn Owl**, *Tyto alba*. The City of Breese currently has approximately 8 locations with evidence of breeding / nesting Barn Owls.

The Department has completed its review of the project and determined that the action may have an adverse impact on potential nesting Barn Owls. To minimize these impacts, the Department recommends that the following measures be implemented by all contractors involved with this project and incorporated in Breese's project authorization.

Barn Owls

This species prefers to inhabit pastureland, dairy farms, hay fields, marshes and rural towns where suitable hunting habitat is available and commonly hunts along fence rows, wetland edges and in fields. Barn owls nest in cavities found within trees, grain silos, barn lofts, church steeples, holes in cliffs or river banks, and man-made boxes. Changing agricultural practices in the Midwest appear most likely to have contributed to population declines over the last two decades. While late spring-early summer is the peak of nesting activity, incubation and brood rearing can occur during any month of the year in Illinois. If resources are abundant (such as mice and voles) then the owls are able to produce two clutches of eggs a year: a spring brood (March – July) and a late summer, early fall brood. A nesting pair of owls may reuse the same nesting site each year, so it is important to understand where nests are located in order not to disturb them.

Recommendation #1. All on-site personnel involved in the project, including construction staff, should be educated on how to recognize this species. Color photos (of adults and juveniles), educational materials, and a plan for responding to potential encounters should be discussed in a training session and at the preconstruction site meeting(s).

Recommendation #2. Mowing regimes for a site such as this present an added risk of injury or death to fledglings as they learn to fly near their base tree. Anyone that will be mowing should also be educated about the species, be aware that they may be present, and be instructed on what to do if any owls are encountered.

Recommendation #3. If any Barn Owls are encountered on or near the project's footprint, immediately contact the IDNR District Heritage Biologist (Mark Phipps, 217/363-5818 and Mary Grapperhaus 618/547-3477) *keeping in mind it is a criminal act for anyone to handle, or move, a listed species unless Incidental Take Authorization has been permitted.* Personnel on site should watch the species until the proper authority arrives to handle the situation.

Recommendation #4. The Department would like to stress that if fledging, juvenile or adult Barn Owls are encountered during the construction phase, or once build out is complete, there is the potential for incidental take to occur. 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. If a population of the Barn Owl is confirmed within or near the project, work must immediately stop, and the city of Breese will need to consider obtaining Incidental Take Authorization from the Department's Office of Resource Conservation, pursuant to 520 ILCS 10/5.5.

Recommendation #5. Trees along the southern edge of the project footprint, that contain cavities that could be potential nest sites for Barn Owls, should be left standing and not be disturbed.

Recommendation #6. Further, due to the presence of records for the Federal and State-listed endangered Indiana Bat in Clinton County, any trees that are greater than 9 diameter breast height (DBH) that could be potential Indiana Bat roost or maternity trees (such as Shagbark Hickory, Shellbark Hickory, Bitternut Hickory, American Elm, Slippery Elm, Eastern Cottonwood, Silver Maple, White Oak, Red Oak, Post Oak, or Shingle Oak) that have plates of loose or peeling bark on the trunks and limbs should not be removed/cut between April 1 – September 30. The only time these types of trees should be cut down is between October 1 and March 31.

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), the City of Breese must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Cordially,

A handwritten signature in black ink that reads "Kathi Davis". The signature is written in a cursive, flowing style.

Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

cc: Mark Phipps, IDNR/Region IV/Natural Heritage
Mary Grapperhaus, IDNR/Districts 21 & 22/Natural Heritage